

THE HONORABLE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

KIM CARTER MARTINEZ, on behalf of
herself and all others similarly situated,

Plaintiff,

vs.

ZOOMINFO TECHNOLOGIES INC., a
Delaware corporation

Defendant.

Civil Action No. 3:21-cv-05725-MJP

**STIPULATED MOTION AND
[PROPOSED] ORDER TO STAY CASE
PENDING ANTI-SLAPP APPEAL**

NOTING DATE: May 5, 2022

This stipulated motion is made by and between Defendant ZoomInfo Technologies Inc. and Plaintiff Kim Carter Martinez through their respective counsel of record.

1. Whereas, Plaintiff filed this action on September 30, 2021, alleging ZoomInfo violated her statutory and common-law right of publicity under California law. ECF No. 1.

2. Whereas, on December 8, 2021, ZoomInfo moved to strike each cause of action in Plaintiff's complaint pursuant to California's anti-SLAPP statute on the grounds that her suit challenges speech concerning a matter of public concern. ECF No. 19.

3. Whereas, on April 11, 2022, the Court denied ZoomInfo's anti-SLAPP motion. ECF No. 39.

4. Whereas, on April 14, 2022, ZoomInfo appealed the Court's order denying its anti-SLAPP motion. ECF No. 40.

1 5. Whereas, following the Court’s denial of ZoomInfo’s motion, ZoomInfo informed
2 Plaintiff that it intended to move for a stay pending appeal on the grounds that (1) the appeal has
3 divested the Court of jurisdiction and (2) California’s automatic stay provision must be applied
4 where, as here, the Court is sitting in diversity. *See, e.g., Nat. Res. Def. Council, Inc. v. Sw. Marine*
5 *Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (filing notice of appeal “divest[s] [the Court] of
6 jurisdiction over the matters being appealed”); *Makaeff v. Trump Univ., LLC*, 2011 WL 613571,
7 at *2 (S.D. Cal. Feb. 11, 2011) (“[u]nder California law, an appeal of a denial of an anti-SLAPP
8 motion automatically stays further trial court proceedings on causes of action related to the
9 motion”).

10 6. Whereas, the parties met and conferred regarding ZoomInfo’s anticipated motion
11 to stay and Plaintiff agreed to stipulate to ZoomInfo’s requested stay and to file a joint status report
12 within seven calendar days of the Ninth Circuit’s resolution of that appeal.

13 WHEREFORE, the Parties respectfully request an Order staying this case in its entirety
14 pending resolution of ZoomInfo’s anti-SLAPP appeal within seven calendar days of the Ninth
15 Circuit’s resolution of that appeal.

16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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1 DATED May 5, 2022.

2 TURKE & STRAUSS LLP

QUINN EMANUEL URQUHART &
SULLIVAN LLP

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*Attorneys for Defendant ZoomInfo
Technologies Inc.*

22 *Attorneys for Plaintiff*

24 IT IS SO ORDERED.

26 DATED this ____ day of ____, 2022.

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Hon. Marsha J. Pechman

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2022, I caused a true and correct copy of the foregoing to be filed in this Court's CM/ECF system, which sent notification of such filing to counsel of record.

DATED May 5, 2022.

/s/ Alicia Cobb
Alicia Cobb, WSBA #48685